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6
7 **UNITED STATES DISTRICT COURT**
8
DISTRICT OF NEVADA

9
10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 PAUL MICHAEL MARCINIAK,
14 Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

**STIPULATION TO CONTINUE
SENTENCING**

(FOURTH REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael
16 Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of
17 America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel Cowhig,
18 Assistant United States Attorney, that the sentencing hearing currently scheduled for August
19 9, 2019, at the hour of 10:00 a.m., be vacated and continued for at least three weeks to a date
20 and time after August 28, 2019, that is convenient to this Honorable Court.

21 The request for a continuance is based upon the following:

22 1. The Government has a scheduling conflict with the current sentencing date.
23 2. Mr. Marciniak is currently in custody, and he does not object to the continuance.
24 3. Counsel for Mr. Marciniak has spoken with AUSA Daniel Cowhig, and the
25 Government agrees to the continuance.
26 4. The additional time requested by this Stipulation to Continue Sentencing is reasonable
27 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good
cause, change any time limits prescribed in this rule.”

1 5. The additional time requested herein is not sought for the purposes of undue delay.
2 6. Additionally, denial of this request for a continuance could result in a miscarriage of
3 justice.

4 DATED: August 2, 2019

5 Respectfully submitted,

6 */s/ Thomas A. Ericsson*
7 Thomas A. Ericsson, Esq.
8 Oronoz & Ericsson, LLC
9 1050 Indigo Dr., Suite 120
10 Las Vegas, Nevada 89145
11 Attorney for Defendant Marciniak

12 */s/ Daniel Cowhig*
13 Daniel Cowhig
14 Assistant United States Attorney
15 District of Nevada
16 501 Las Vegas Blvd. South, Suite 1100
17 Las Vegas, Nevada, 89101
18 Attorney for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PAUL MICHAEL MARCINIAK,
Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The Government has a scheduling conflict with the current sentencing date.
2. Mr. Marciniak is currently in custody, and he does not object to the continuance.
3. Counsel for Mr. Marciniak has spoken with AUSA Daniel Cowhig, and the Government agrees to the continuance.
4. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
5. The additional time requested herein is not sought for the purposes of undue delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant the opportunity to appear for his sentencing hearing, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for August 9, 2019, be vacated and continued to September 17, 2019, at the hour of 2:00 p.m.

DATED: 8/2/2019

UNITED STATES DISTRICT JUDGE